APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,396	12/30/2003	Nikolai G. Nikolov	6570P039	8969

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER
KIMBALL, MAKAYLA T

ART UNIT	PAPER NUMBER
2194	

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Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		10/750,396	NIKOLOV, NIKOLAI G.
		Examiner	Art Unit	
		Makayla Kimball	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 December 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-57* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-57* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 December 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

      ●

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *02/10/2005*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Drawings

1.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because

reference character "1200" has been used to designate both "Client" and "Non-Web Client".

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office

action to avoid abandonment of the application. Any amended replacement drawing sheet

should include all of the figures appearing on the immediate prior version of the sheet, even if

only one figure is being amended. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant

will be notified and informed of any required corrective action in the next Office action. The

objection to the drawings will not be held in abeyance.

2.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they

include the following reference character(s) not mentioned in the description: Figures: 6A, 6B, 8,

11A, 11B, 13, 14, 16, 18, 19A, 19G Corrected drawing sheets in compliance with 37 CFR

1.121(d), or amendment to the specification to add the reference character(s) in the description

in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid

abandonment of the application. Any amended replacement drawing sheet should include all of

the figures appearing on the immediate prior version of the sheet, even if only one figure is

being amended. Each drawing sheet submitted after the filing date of an application must be

labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR

1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

informed of any required corrective action in the next Office action. The objection to the

drawings will not be held in abeyance.

Specification

3.   The disclosure is objected to because of the following informalities:

The letter 'e' is missing in numerous words, i.e. pg. 2: in the title, pg. 21: Bytecode, etc.

Acronyms were not spelled out, i.e. pg. 2: PC, pg. 46: HTML (was spelled out on pg. 51, should

move to page 46), etc.

On pages: 39: "DSR", 50: "non-web client", 56: "try-catch block" and 63: "classid", do not

reference a number in any of the drawings submitted.

On pg. 17, "modified byte code" should reference '352' not '353'.

On pg. 43, "set of tabs 94" is misnumbered.

On pg. 48, "an external system 1120...as opposed to a database server as in Figures 10a-b";

the statement is in conflict with the drawing. In Figure 11B, "external system" is number '1130'

not number '1120'. But in Figure 11B, '1120' is a "database server" and '1130' is an "external

system". Also on this page, "via method invocation 1002" references Figure 11B, but there is no

number '1002' in Figure 11B.

On pg. 62, "the 'UPDATE BILLIG'" is misspelled.

        Appropriate correction is required.

4.   The disclosure is objected to because it contains an embedded hyperlink and/or other

form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or

other form of browser-executable code. See MPEP § 608.01.

Claim Objections

5.   Claims 2-19, 21-38 and 40-57 are objected to because of the following informalities:

There is no comma after claim number, i.e. Claim 2: The classfile modification method of claim

1, wherein...

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

7.   Claims 1, 20 and 39 recites the limitation "said classfile" in line 2. There is insufficient

antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

8.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claims 1-57 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-

statutory subject matter. Independent claims 1, 20 and 39 are rejected as non-statutory

because they do not produce any tangible result. The claims are transforming data and not

making use of the data that was transformed. For example, merely determining or calculating a

price may not be held to be a tangible result, instead reasonably being interpreted as just a

thought or a computation within a processor; however, calculating a price of an item to sell and

then conveying the calculated price to a potential customer would be a tangible result. Claims 2-

19, 21-38 and 40-57 are rejected under 101 because they are dependent upon independent

claims 1, 20 and 39, respectively.

9.   Claims that recite nothing but the physical characteristics of a form of energy, such as a

frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and

as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Moreover,

it does not appear that a claim reciting a signal encoded with functional descriptive material falls

within any of the categories of patentable subject matter set forth in § 101.

Claims 20 and 39 are rejected under 35 U.S.C. 101 because the claimed invention is directed to

non-statutory subject matter.

Claims 19 and 39 are directed towards electro-magnetic signals, so therefore is non-statutory.

Claim Rejections - 35 USC § 102

10.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11.   Claims 1-7, 20-26 and 39-45 are rejected under 35 U.S.C. 102(b) as being anticipated

by Cirne (US Patent 6,260,187).

Claims 1, 20 and 39:

A classfile modification method, comprising:

Converting said classfile [Column 5, lines 62 & 63] into collection of objects whose organization

is derived from said classfile's organization, said collection of objects [Column 4, line 45-47]

comprising:

 Unique objects for each method information structure found in said classfile,

 Each of said unique objects referenced to other objects in said organization, [Column 4,

lines 1-5]

Said other objects representing their corresponding unique object's method [Column 4, lines 1-

5] information structure's byte code instructions; [Column 2, lines 24-26]

Adding at least one additional other object to an arrangement of other objects that are

referenced to a unique object, [Column 4, lines 45-47]

 Said at least one additional other object corresponding to at least one byte code

 [Column 7, line 7] instruction that causes a plug-in module's handler method to provide

 output function treatment for said unique object's method; and, [Column 4, lines 54 & 55]

Converting the resulting collection of objects into a modified version of said classfile. [Column 4,

lines 52 & 53]

Claims 2, 21, and 40:

The classfile modification method of claim 1, wherein said collection of objects are partially

defined [Column 5, line 56] by a first class that used as a template to generate said unique

objects. [Column 4, lines 1-5]

Claims 3, 22 and 41:

The classfile modification method of claim 2, wherein said modifying further comprises:

Creating an object from said template that represents a new method information structure for

said classfile, [Column 4, lines 1-5 and 10 & 11]

Said new method information structure containing byte code instructions for a method that

registers the identity of the class, and [Column 5, lines 63 & 64]

The methods of said class, that said classfile describes with a feature of another class. [Column

4, lines 1-5]

Claims 4, 23, 42:

The classfile modification method of claim 2, wherein said collection of objects are partially

defined [Column 5, line 56] by a second class that is used as a template to generate a unique

object for each field information structure found in said classfile. [Column 4, lines 1-5]

Claims 5, 24, 43:

The classfile modification method of claim 4, wherein said modifying further comprises creating

a new object that represents a new field information structure for said classfile. [Column 4, lines

1-5]

Claims 6, 25, 44:

The classfile modification method of claim 5, wherein said field information structure is to store a

numeric identification assigned to said class. [Column 5, lines 63 & 64]

Claims 7, 26, 45:

The classfile modification method of claim 1, wherein said unique object corresponds to a

constructor method. [Column 4, lines 11 & 12]

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

13.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

> 1.   Determining the scope and contents of the prior art.
> 2.   Ascertaining the differences between the prior art and the claims at issue.
> 3.   Resolving the level of ordinary skill in the pertinent art.
> 4.   Considering objective evidence present in the application indicating obviousness
>   or nonobviousness.

14.   Claims 8-19, 27-38 and 46-57 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Cirne (US Patent 6,260,187) in view of Berry et al (US Patent 6,026,237).

Claims 8, 11, 14, 17, 27, 30, 33, 36, 46, 49, 52, 55:

Cirne discloses the classfile modification method as in claim 1 above, but does not disclose

adding another object that corresponds to a region that is executed just after an entry point

neither adding another object that corresponds to a region that is executed if an exit point will

inevitably reached nor adding another object that corresponds to a region that will be executed if

an error arises. In the same field of endeavor, Berry does disclose a similar method as in claim

1, and in addition adding another object at an entry point [Column 5, lines 31-34], adding

another object at the exit point [Column 5, lines 31-34] and adding another object if an error

arises [Column 7, lines 33-35]. Therefore, it would have been obvious to a person of ordinary

skill in the art at the time the invention was made to incorporate adding an object at certain

points in a method into Cirne, since Cirne already discloses adding additional classes. One

would have been motivated to incorporate objects at certain points in a method to allow the

classfile to follow all class file constraints and would not cause the classfile to not execute.

Claims 9, 12, 15, 18, 28, 31, 34, 37, 47, 50, 53 and 56:

The classfile modification method of claim 8, wherein said classfile is a Java compatible classfile and said additional other object corresponds to the addition of an invokestatic instruction. [Cirne, Column 13, line 8]

Claims 10, 13, 16, 19, 29, 32, 35, 38, 48, 51, 54 and 57:

The classfile modification method of claim 8, wherein said classfile is a Java compatible classfile and said additional other object corresponds to the addition of an invokestatic instruction. [Cirne, Column 14, line 28]

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Avakian et al (US PGPUB 2005/0039171) – discloses byte code modification.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Makayla Kimball whose telephone number is 571-270-1057. The examiner can normally be reached on Monday - Thursday 10AM - 3PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Myhre James can be reached on 571-270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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08/31/2006

James W. Myhre
Supervisory Patent Examiner